

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

RICHARD SHAWN HENDERSON, §  
TDCJ-CID #1468944, §  
Petitioner, §  
V. § C.A. NO. C-09-124  
§  
NATHANIEL QUARTERMAN, §  
Respondent. §

**MEMORANDUM OPINION AND ORDER OF TRANSFER**

This is a habeas action filed by a state prisoner incarcerated at the McConnell Unit in Beeville, Texas (D.E. 1). Petitioner states he was convicted of delivery of a controlled substance and sentenced to forty-five years in prison on October 1, 2007, in the 114th Judicial District Court of Smith County, Texas (*Id.*).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in the Tyler Division of the Eastern District of Texas. 28 U.S.C. § 124(c)(1).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in Smith County, it is more convenient for this action to be handled in the Tyler Division of the Eastern District of Texas. The records of petitioner's conviction, the prosecutor and defense

lawyer, and the witnesses are all located in the Tyler Division of the Eastern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Eastern District of Texas, Tyler Division. All pending motions are denied as moot and subject to renewal after the case is transferred.

ORDERED this 2<sup>nd</sup> day of June, 2008.



B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE